

DEC 28 2007

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PATRICK NEAL BRADBERRY,

Plaintiff - Appellant,

v.

JOE ARPAIO, Sheriff; et al.,

Defendants - Appellees.

No. 06-17118

D.C. No. CV-05-03275-JAT

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted December 3, 2007^{**}

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Patrick Neal Bradberry, an Arizona state prisoner, appeals pro se from the district court's order dismissing as time-barred his 42 U.S.C. § 1983 action alleging that prison officials violated his civil rights. We have jurisdiction under

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

28 U.S.C. § 1291. We review de novo a district court's dismissal on statute of limitations grounds. *Lucchesi v. Bar-O Boys Ranch*, 353 F.3d 691, 694 (9th Cir. 2003). We affirm.

In Bradberry's previous action based on the same complaint, he failed to comply with the district court's order to file a timely amended complaint, and rather than appeal from the dismissal, Bradberry filed this action. The district court properly dismissed the action as time-barred because Bradberry was not eligible for equitable tolling under Arizona's tolling provisions. *See id.* ("State law governs the statutes of limitations for section 1983 actions as well as questions regarding the tolling of such limitations periods."); Ariz. Rev. Stat. Ann. § 12-504 (2007) (setting forth applicable tolling rule).

The district court properly denied Bradberry's request for a court order to possess and maintain a personal typewriter because inmates have no constitutional right to access typewriters. *See Lindquist v. Idaho State Bd. of Corr.*, 776 F.2d 851, 858 (9th Cir. 1985).

AFFIRMED.